



FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF GENERAL COUNSEL

memorandum

TO: Director, Reference Information Center
Chief, International Bureau

FROM: *DMA* Daniel M. Armstrong
Associate General Counsel

SUBJECT: *Cellco Partnership d/b/a Verizon Wireless v. FCC & USA*, No. 02-1262 and
Cingular Wireless LLC v. FCC & USA, No. 02-1268. Filing of two Petitions for
Review in the United States Court of Appeals for the District of Columbia Circuit.

DATE: September 4, 2002

This is to advise you that, on August 19, 2002, Cellco Partnership d/b/a Verizon Wireless ("Verizon Wireless") filed a Petition for Review, pursuant to 47 U.S.C. § 402(a), of the following order: *2000 Biennial Regulatory Review, Amendment of Parts 43 and 63 of the Commission's Rules*, Report and Order, IB Docket No. 00-231, FCC 02-154 (released June 10, 2002). On August 22, 2002, Cingular Wireless LLC filed a petition for review of the same order. The Court has consolidated the Verizon Wireless and Cingular Wireless LLC cases on its own motion.

In the Report and Order, the Commission, among other things, denied requests to (1) amend section 43.61 of its rules, 47 C.F.R. § 43.61, to exempt commercial mobile radio service ("CMRS") carriers from the annual reporting requirements of section 43.61; and (2) amend section 63.21 of its rules, 47 C.F.R. § 63.21, to allow certain non-wholly owned subsidiaries to provide service under a parent company's international section 214 authorization rather than requiring such subsidiaries to obtain prior approval to offer international telecommunications services.

The petitioners seek review of the Report and Order on the grounds that the Commission's ruling in regard to the two issues discussed above did not comply with section 11 of the Communications Act of 1934, as amended, 47 U.S.C. § 161, is arbitrary and capricious, and is otherwise contrary to law. The petitioners ask that the Court vacate the Report and Order and the rules retained by it in so far as they pertain to (1) CMRS providers' reporting requirements under 47 C.F.R. § 43.61(a), and (2) the prohibition under 47 C.F.R. § 63.21 on certain non-wholly-owned subsidiaries' provision of service under a parent company's international section 214 authorizations.

The Court has docketed these cases as Nos. 02-1262 and 02-1268. The attorney assigned to handle the litigation of these cases is Lisa E. Boehley.